PART IV

Section 2C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Mount Karmal Union Transport Service, Suntikoppa Post, Coorg District.

Award of the Labour Court, Bangalore—published.

Read the following papers :

(1) Letter No. 394/66-67, dated 31st January 1967, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 31st day of January 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B., ... *Presiding Officer.*

Reference No. 5 of 1966.

Workmen represented by the Secretary, Coorg District General Workers' Union, Virajpet, Coorg District. ... *First Party.*

And

The Management of M/s. Mount Karmel Union Transport Service, Suntikoppa Post, Coorg District. ... *Second Party.*

REFERENCE :

Government Order No. LMA 543 LLD 65, dated 31st January 1967.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the Management of M/s. Mount Karmel Union Transport Service, Virajpet, Coorg District have referred it to this Court for adjudication under Section 10(1)(c) of the Industrial Disputes Act, 1947, by their Order No. LMA 543 LLD 65, dated 31st January 1966, setting out the following points of dispute for adjudication :—

"Whether Sri Gasper D'Silva, Proprietor and Manager of Mount Karmel Union Transport Service is justified in terminating the services of Sri Augustin Mendez on 7th November 1964, the Cleaner of the said transport? If not is Sri Augustin Mendez entitled to reinstatement with back wages and continuity of service from that date or any other relief, if any?

Whether Sri Augustine Mandez is entitled to the balance amount of Rs. 675–50 paise due towards his wages upto the date of removal be paid? If not, is he entitled to any other relief?"

2. The cause of the aggrieved workman has been sponsored by the Coorg District General Workers Union, Virajpet, which is a registered trade union. This Union as representing the workmen is the first party. None has appeared for the Management of the Mount Karmel Union Transport Service, which is the second party. Four notices sent to the Management have been returned with an endorsement by the postal authorities that the addressee refused to accept them. Hence the dispute has been heard in the absence of the second party.

3. The Union has led evidence in respects of its claims. The aggrieved workman has examined himself as W. W, 1. He has sworn that he joined service with the Management of the second party as a cleaner on a goods lorry on a consolidated salary of Rs. 90 p.m. inclusive of basic pay, dearness allowance and batta and his services were terminated by the Management on 7th November 1964 without levelling any charge against him and without holding any enquiry. This sworn statement made by the aggrieved workman requires to be accepted in the absence of any evidence to the contrary. I do so. I would therefore hold that the services of the aggrieved workman have been illegally terminated by the management.

4. The aggrieved workman has sworn that the second party Management possessed only one goods lorry over which he was working and that the management had sold it away about four months after the termination of his services. He has stated that he does not want any reinstatement in his former post. From the facts stated by the aggrieved workman it is also evident that reinstatement is not possible in this case.

5. The total length of service of the aggrieved workman comes to 11 months and 7 days. The total wages due to him for this entire pericd come to Rs. 1012 approximately. The aggrieved workman has stated that during the entire period of his service, the Management has paid him only a sum of Rs. 500 towards his wages and the balance is still due. I believe him. So the balance due to him would came to Rs. 512. The aggrieved workman has also stated that after termination of his services he has been working as a carpenter and is earning Rs. 5 to Rs. 6 per day. It appears that he is better off after the termination of his services than when he was in the service of the second party. I do not think that the wages subsequant to the date of termination need be granted to him. I allow him a sum of Rs. 512 as balance of wages, Rs. 90 as notice pay and Rs. 45 as service compensation which in the aggregate, come to a sum of Rs. 647 in full satisfaction of the claim made by him and the Union on his behalf.

6. In the result, therefore, I make the following Award.

AWARD.

The Reference is accepted. The Management of the second party should pay sum of Rs. 647 to the aggrieved workmen in full and final settlement of his claims. The claim for reinstatement made by the aggrieved workman and the first party Union on his behalf is rejected, firstly because it is not pressed and secondly because it is not possible. The aggrieved workman should bear his own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated the 8th February 1967.

S. O. 340.—WHEREAS by State Government Order No. PLM 543 LLD 65, dated 31st January 1966, the Industrial Dispute between the Workmen and the Management of M/s. Mount Karmel Union Transport Service, Suntikoppa, Coorg District was referred to the Labour Court, Bangalore for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 543 LLD 65.]

By Order and in the name of the Governor of Mysore,

2093 G. G. PUROHIT, *Under Secy.*